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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,164	06/29/2005	John Kay Spence	4046/033	4383
23440 7590 12/23/2008 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601				
EXAMINER				
YI, STELLA KIM				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/541,164

**Applicant(s)**

SPENCE, JOHN KAY

**Examiner**

Stella Yi

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date June 29, 2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 11, and 13-23 are rejected under 35 U.S.C. 102(b) as being anticipated by HALBERSTADT (4,717,517).

Regarding Claims 1, 2, 11, 13, 14, 15, 19, and 20, HALBERSTADT discloses a formwork and method adapted for the consecutive formation of a plurality of panels, each subsequent panel being formed upon a previous panel (Col.3, lines 5-6 and 13-14; Figure 6-7), said formwork comprising a deck forms (bed) (30-Figure 1B) and a plurality of sides and corners at the intersections of the respective sides, the bed and side member defining a forming space for formation of a panel (Figure 6), at least one side member being supported by a pair of columns (10-Figure 6) at the respective corners, each column having horizontal flanges (locating means) (18-Figure 3) adapted to receive and support the at least one side member at a plurality of locations along the length of the column (10-Figure 3), Wherein the bed for a subsequent panel is defined by the upper surface of the previous panel and the side members extend from the upper surface of the previous panel to define the forming space for the subsequent panel (Figure 6 and 7).

Regarding Claims 3, 4, 16, 18, 21, and 23, HALBERSTADT discloses the said formwork comprising spacers 20 that are spaced a predetermined distance apart corresponding to a predetermined slab thickness (spacing of the locations defines the thickness of respective panels) (Col.5, lines 61-65).

Regarding Claims 5-8, 17, and 22, HALBERSTADT discloses the said horizontal flanges (locating means) comprising spacers (notches) (20-Figure 2A, 20'-Figure 3) in an upright side of each column, the spacers adapted to receive corresponding formations on the at least one side member, the side member being held in engagement with the upright side of the column (Figure 6 and 7).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over HALBERSTADT (4,717,517) as applied to claims 1-8, 11, and 13-23 above, and in further view of PLOUGH (3,917,216).

The teachings of HALBERSTADT are applied as described above for claims 1-8, 11, and 13-23.

Regarding Claims 9 and 10, HALBERSTADT discloses a second upright member (Figure 3) but is silent to a pivotable base and top-piece that can engage one side

member to secure in locating engagement with the first upright member. However, PLOUGH discloses a quick-release fastening device for fixedly but releasably securing together the outer end edges of two pivotally connected right angle sections of a concrete column form (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a pivotable base and top-piece taught by PLOUGH in the formwork of HALBERSTADT in order to provide secure column during a concrete pouring process and releasability of the column formwork from the hardened concrete column (Col.2, lines 1-23).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over HALBERSTADT (4,717,517) as applied to claims 1-8, 11, and 13-23 above, and in further view of VEALE (3,618,181).

The teachings of HALBERSTADT are applied as described above for claims 1-8, 11, and 13-23.

Regarding Claim 12, HALBERSTADT discloses a formwork adapted for the consecutive formation of a plurality of panels, each subsequent panel being formed upon a previous panel (Col.3, lines 5-6 and 13-14; Figure 6-7) but does not explicitly disclose separating the panels with a bond breaker. However, VEALE discloses a apparatus for casting concrete wherein the panels are coated with a suitable bond breaking agent. It would have been obvious to one of ordinary skill in the art to have modified the formwork of HALBERSTADT to include coating the panels with the said

bond breaking agent of VEALE in order to avoid adherence to the set material of the first body as well as to the bottom of the succeeding body (Col.2, lines 24-29).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Yi whose telephone number is 571-270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christina Johnson/  
Supervisory Patent Examiner, Art Unit 1791